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10/799,301	03/11/2004	Jason Robert McGee	RSW920030263US1	7832

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EXAMINER
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VAUTROT, DENNIS L

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/799,301	MCGEE, ET AL.	
	Examiner	Art Unit	
	Dennis L. Vautrot	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/11/2004</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The Applicants' Information Disclosure statement (IDS), filed 11 March 2004, has been received and entered into the record. Since the IDS complies with the provisions of MPEP § 609, the references cited therein have been considered by the examiner. See attached form PTO-1449.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer readable media, as defined in the specification on page 14, lines 7 - 11 includes transmission type media, such as radio frequency and light wave transmissions. These are not tangibly embodied in a computer-readable medium, and hence non-statutory. There is always some form of physical transformation within a computer because a computer acts on signals and transforms them during its operation and changes the state of its components during the execution of a process. Even though such a physical transformation occurs within a computer, such activity is not determinative of whether the process is statutory because such transformation alone does not distinguish a statutory computer process from a nonstatutory computer process. What is determinative is not how the computer

performs the process, but what the computer does to achieve a practical application.

See *Arrhythmia*, 958 F.2d at 1057, 22 USPQ2d at 1036.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 7, 9, 12, 15, and 18 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cool et al.** (hereinafter, **Cool**, US 2004/010786) in view of **White** (US 2003/0014447).

6. Regarding claim 1, **Cool** discloses an apparatus for maintaining compatibility between nodes within a distributed systems management environment, comprising:

a primary node [server], said primary node including a primary storage area, said primary storage [local storage] area including at least two primary storage sections (See page 2, paragraph [0016] "The server 102 is a computing system that is configured to make resources available to other computing systems connected to the network... The server includes local storage in the form of a server data store 110... In particular, the data store 110 includes a server application store 115 for storing application code, and a Web service 112 for making upgraded application code

available to other computers via the Web serving software.” The two parts of the data store represent two primary storage sections.); and

a plurality [two or more] of secondary nodes [client computer], each secondary node of said plurality of secondary nodes configured with a plurality of configuration settings having a first format, and each secondary node of said plurality of secondary nodes including a secondary storage area[local storage] (See page 2, paragraph [0015] “...two or more computers, such as a server and a client computer are connected over a network...” and see page 2, paragraph [0017] “The client computer 120 is a computing system configured to execute locally-running applications as well as connect to other computers over the network 105. The client computer 120 also includes local storage in the form of a client data store 106.” Because two or more is disclosed here, it is clear that a plurality of secondary nodes could be attached to the primary.),

convey said plurality of configuration settings having said second format from said second primary storage section to each said secondary storage area of said plurality of secondary nodes (See page 4, paragraph [0031] “The files downloaded are stored in a separate location from the existing version of the application.” These files are in the second format as in the claim.); and wherein each said secondary node of said plurality of secondary nodes is operable to:

receive said plurality of configuration settings [new version] having said second format (See page 4, paragraph [0031] “As illustrated in FIG. 3, the new version of the application (i.e., App Ver 1.0.0.1 320) is stored in a folder separate from the existing version of the application.”); and

reconfigure in accordance with said plurality of configuration settings having said second format (See page 4, paragraph [0031] "Thus, when the application is launched again, the application starter 107 will execute the new version of the application rather than the old version.")

**Cool** fails to disclose said primary node is operable to: read said plurality of configuration settings having said first format from a first primary storage section of said at least two primary storage sections; transform said plurality of configuration settings having said first format to a plurality of configuration settings having a second format; and write said plurality of configuration settings having said second format to a second primary storage section of said at least two primary storage sections.

However, **White** discloses said primary node is operable to: read said plurality of configuration settings [data document] having said first format from a first primary storage section of said at least two primary storage sections (See page 6, paragraph [0066] "...when an initial request for a customized document [is] received, the document manager reads a data document from database 422..." The configuration settings are stored in the data document in XML format as disclosed in **White**.);

transform said plurality of configuration settings having said first format [raw data document] to a plurality of configuration settings having a second format [customized subscription] (See page 6, paragraph [0066] "The transform is applied to the raw data document so as to generate the customized subscription, organization or presentation level document..."); and

write said plurality of configuration settings having said second format to a second primary storage section of said at least two primary storage sections (See **White** page 6, paragraph [0066] "See page 6, paragraph [0066] "...and the requested document is written to cache 44." The cache is considered a second storage section because it is separate from the section that holds the original configuration files.)

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cool** with that of **White** because they deal with version upgrading of data, and by including the document version generation as disclosed in **White** with the automatic propagation as disclosed in **Cool**, the revised version can more efficiently generated. It is for this reason that one of ordinary skill in the art would have been motivated to include said primary node is operable to: read said plurality of configuration settings having said first format from a first primary storage section of said at least two primary storage sections; transform said plurality of configuration settings having said first format to a plurality of configuration settings having a second format; and write said plurality of configuration settings having said second format to a second primary storage section of said at least two primary storage sections.

7. Regarding claim 4, **Cool** additionally teaches said primary storage area comprises a master repository, and said secondary storage area [109] comprises a node repository (See page 2, paragraph [0017] "In accordance with the invention, the client application store 109 may contain different versions of the same application" The

different versions of the applications are defined in the specification as being stored in both the master and secondary repositories – see page 7, lines 1 – 7. Even by calling the secondary storage area a node repository, what is being stored in the secondary storage area are different versions of the application, as in the reference.)

8. Regarding claim 7, **Cool** teaches an apparatus substantially as claimed. **Cool** fails to teach said plurality of configuration settings having said first format comprises at least one 5.x XSL schema document, and said plurality of configuration settings having said second format comprises at least one 6.x XSL schema document. However, **White** teaches said plurality of configuration settings having said first format comprises at least one 5.x XSL schema document, and said plurality of configuration settings having said second format comprises at least one 6.x XSL schema document. (See page 2, paragraph [0018] “Furthermore, customized versions of the document are created by sequentially applying transforms, in the form, for example, of XSL stylesheets, to intermediate versions of the document.”) It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cool** with that of **White** because they deal with version upgrading of data, and by including the XSL documents as disclosed in **White**, the conversion can use a well known efficient method for updating XML documents. It is for this reason that one of ordinary skill in the art would have been motivated to include said plurality of configuration settings having said first format comprises at least one 5.x XSL schema



document, and said plurality of configuration settings having said second format comprises at least one 6.x XSL schema document.

9. Regarding claim 9, **Cool** additionally discloses said primary node [102] and said plurality of secondary nodes [other computing systems] comprise a plurality of servers. (See page 2, paragraph [0016] "The server 102 is a computer system that is configured to make resources available to other computing systems connected to the network.")

10. Regarding claim 12, **Cool** discloses a method for maintaining compatibility between a primary node and a plurality of secondary nodes within a distributed systems management environment, comprising the steps of:

conveying said plurality of configuration settings having said second format from said second storage area to each secondary node of said plurality of secondary nodes (See page 4, paragraph [0031] "The files downloaded are stored in a separate location from the existing version of the application." These files are in the second format as in the claim.);

at least one of said each said secondary node receiving said plurality of configuration settings [new version] having said second format (See page 4, paragraph [0031] "As illustrated in FIG. 3, the new version of the application (i.e., App Ver 1.0.0.1 320) is stored in a folder separate from the existing version of the application."); and

said at least one of said each secondary node reconfiguring in accordance with said plurality of configuration settings having said second format (See page 4,

paragraph [0031] "Thus, when the application is launched again, the application starter 107 will execute the new version of the application rather than the old version.")

**Cool** fails to disclose reading a plurality of configuration settings having said first format from a first storage area of said primary node; transforming said plurality of configuration settings having said first format to a plurality of configuration settings having a second format; and writing said plurality of configuration settings having said second format to a second storage area of said primary node.

However, **White** discloses reading a plurality of configuration settings [data document] having a first format from a first storage area of said primary node (See page 6, paragraph [0066] "...when an initial request for a customized document [is] received, the document manager reads a data document from database 422..." The configuration settings are stored in the data document in XML format as disclosed in **White**.);

transforming said plurality of configuration settings having said first format [raw data document] to a plurality of configuration settings having a second format [customized subscription] (See page 6, paragraph [0066] "The transform is applied to the raw data document so as to generate the customized subscription, organization or presentation level document..."); and

writing said plurality of configuration settings having said second format to a second storage area of said primary node (See **White** page 6, paragraph [0066] "See page 6, paragraph [0066] "...and the requested document is written to cache 44." The

cache is considered a second storage section because it is separate from the section that holds the original configuration files.)

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cool** with that of **White** because they deal with version upgrading of data, and by including the document version generation as disclosed in **White** with the automatic propagation as disclosed in **Cool**, the revised version can more efficiently generated. It is for this reason that one of ordinary skill in the art would have been motivated to include reading a plurality of configuration settings [data document] having a first format from a first storage area of said primary node; transforming said plurality of configuration settings having said first format to a plurality of configuration settings having a second format; and writing said plurality of configuration settings having said second format to a second storage area of said primary node.

11. Regarding claim 15, **Cool** additionally discloses said first [110] and second storage areas [109] comprise a master repository. (See page 2, paragraph [0016] "The server 102 includes local storage in the form of a server data store 110." And see page 2, paragraph [0017] "In accordance with the invention, the client application store 109 may contain different versions of the same application." The server data store and the client application store are considered to be master repositories.)

12. Regarding claim 18, **Cool** teaches a method substantially as claimed. **Cool** fails to teach said plurality of configuration settings having said first format comprises at least one 5.x XSL schema document, and said plurality of configuration settings having said second format comprises at least one 6.x XSL schema document. However, **White** teaches said plurality of configuration settings having said first format comprises at least one 5.x XSL schema document, and said plurality of configuration settings having said second format comprises at least one 6.x XSL schema document. (See page 2, paragraph [0018] "Furthermore, customized versions of the document are created by sequentially applying transforms, in the form, for example, of XSL stylesheets, to intermediate versions of the document.") It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cool** with that of **White** because they deal with version upgrading of data, and by including the XSL documents as disclosed in **White**, the conversion can use a well known efficient method for updating XML documents. It is for this reason that one of ordinary skill in the art would have been motivated to include said plurality of configuration settings having said first format comprises at least one 5.x XSL schema document, and said plurality of configuration settings having said second format comprises at least one 6.x XSL schema document.

13. Regarding claim 19, **Cool** additionally discloses said primary node [102] and said plurality of secondary nodes [other computing systems] comprise a plurality of servers.

(See page 2, paragraph [0016] "The server 102 is a computer system that is configured to make resources available to other computing systems connected to the network.")

14. Regarding claim 20, **Cool** discloses a computer program product in a computer readable medium for maintaining compatibility between a primary node and a plurality of secondary nodes within a distributed systems management environment, the computer program product comprising:

fourth instructions for conveying said plurality of configuration settings having said second format from said second storage area to each secondary node of said plurality of secondary nodes (See page 4, paragraph [0031] "The files downloaded are stored in a separate location from the existing version of the application." These files are in the second format as in the claim.);

fifth instructions for receiving said plurality of configuration settings [new version] having said second format (See page 4, paragraph [0031] "As illustrated in FIG. 3, the new version of the application (i.e., App Ver 1.0.0.1 320) is stored in a folder separate from the existing version of the application."); and

sixth instructions for reconfiguring in accordance with said plurality of configuration settings having said second format (See page 4, paragraph [0031] "Thus, when the application is launched again, the application starter 107 will execute the new version of the application rather than the old version.")

**Cool** fails to disclose first instructions for reading a plurality of configuration settings having said first format from a first storage area of said primary node; second

instructions for transforming said plurality of configuration settings having said first format to a plurality of configuration settings having a second format; and third instructions for writing said plurality of configuration settings having said second format to a second storage area of said primary node.

However, **White** discloses first instructions for reading a plurality of configuration settings [data document] having a first format from a first storage area of said primary node (See page 6, paragraph [0066] "...when an initial request for a customized document [is] received, the document manager reads a data document from database 422..." The configuration settings are stored in the data document in XML format as disclosed in **White**.);

second instructions for transforming said plurality of configuration settings having said first format [raw data document] to a plurality of configuration settings having a second format [customized subscription] (See page 6, paragraph [0066] "The transform is applied to the raw data document so as to generate the customized subscription, organization or presentation level document..."); and

third instructions for writing said plurality of configuration settings having said second format to a second storage area of said primary node (See **White** page 6, paragraph [0066] "See page 6, paragraph [0066] "...and the requested document is written to cache 44." The cache is considered a second storage section because it is separate from the section that holds the original configuration files.)

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cool** with that of **White** because they deal with

version upgrading of data, and by including the document version generation as disclosed in **White** with the automatic propagation as disclosed in **Cool**, the revised version can more efficiently generated. It is for this reason that one of ordinary skill in the art would have been motivated to include first instructions for reading a plurality of configuration settings [data document] having a first format from a first storage area of said primary node; second instructions for transforming said plurality of configuration settings having said first format to a plurality of configuration settings having a second format; and third instructions for writing said plurality of configuration settings having said second format to a second storage area of said primary node.

15. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cool** in view of **White** as applied to claim 1 above, and further in view of **Greene et al.** (hereinafter **Greene**, US 2002/0198734).

16. Regarding claim 2, **Cool** and **White** teach an apparatus substantially as claimed. **Cool** and **White** fail to teach said primary node comprises a master node [master copy], and said plurality of secondary nodes comprises a plurality of slave nodes [client]. However **Greene** teaches said primary node comprises a master node, and said plurality of secondary nodes comprises a plurality of slave nodes. (See page 40, paragraph [0352] "The optimistic concurrency approach in FIG. 25, on the other hand, depicts the client using a read/write copy that must stay in sync with a master copy in order for updates to be accepted." In **Greene**, the master node is where the master copy is located and each of the clients represents a slave node.) It would have been

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obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cool** and **White** with that of **Greene** because **Green** also deals with distributed systems and maintaining compatibility among them, and by including the master and slave concept of **Greene**, the hierarchy of data transfer among systems becomes better defined. It is for this reason that one of ordinary skill in the art would have been motivated to include said primary node comprises a master node [master copy], and said plurality of secondary nodes comprises a plurality of slave nodes [client].

17. Regarding claim 5, **Cool** and **White** teach an apparatus substantially as claimed. **Cool** and **White** do not explicitly teach said convey operation comprises a synch out operation. **Greene**, however, teaches said convey operation comprises a synch out operation [stay in sync]. (See page 40, paragraph [0352] "The optimistic concurrency approach in FIG. 25, on the other hand, depicts the client using a read/write copy that must stay in sync with a master copy in order for updates to be accepted.") It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cool** and **White** with that of **Greene** because **Greene** also deals with distributed systems and maintaining compatibility among them, and by including the syncing concept of **Greene**, the nodes can remain compatible or upgraded with the different versions automatically. It is for this reason that one of ordinary skill in the art would have been motivated to include said convey operation comprises a synch out operation.



18. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Cool** in view of **White** as applied to claim 1 above, and further in view of **Warrington** (US 2002/0093097). **Cool** and **White** teach an apparatus substantially as claimed. **Cool** and **White** fail to teach said distributed systems management environment comprises a WebSphere environment. However **Warrington** teaches said distributed systems management environment comprises a WebSphere environment. (See page 1, paragraph [0003] "For example, web publishing software such as WEBSHERE STUDIO™ from IBM Corporation...both produce visual development environments within which web page authors can design web pages using pre-built components.") It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cool** and **White** with that of **Warrington** because **Warrington** is also a method of upgrading data versions, and by including the Websphere environment as disclosed in **Warrington**, web page files are specifically included in the type of data that can be updated. It is for this reason that one of ordinary skill in the art would have been motivated to include said distributed systems management environment comprises a WebSphere environment.

19. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cool** in view of **White** as applied to claim 1 above, and further in view of **Parikh** (US 2004/0205162).

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20. Regarding claim 6, **Cool** and **White** teach an apparatus substantially as claimed. **Cool** and **White** fail to teach said first format comprises a WebSphere version 5.x format, and said second format comprises a WebSphere 6.x format. However **Parikh** teaches said first format comprises a WebSphere version 5.x format, and said second format comprises a WebSphere 6.x format. (See page 4, paragraph [0025] "...the application server 306 may be implemented with IBM WebSphere Application Server (WAS), such as Version 5.0 application server (WAS). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cool** and **White** that of **Parikh** because they are all related to distributed systems management and by including WebSphere as disclosed in **Parikh**, the apparatus can also work with web page deployment. It is for this reason that one of ordinary skill in the art would have been motivated to include said first format comprises a WebSphere version 5.x format, and said second format comprises a WebSphere 6.x format.

21. Regarding claim 11, **Cool** and **White** teach an apparatus substantially as claimed. **Cool** and **White** fail to teach said distributed systems management environment comprises a WebSphere Application Server. However **Parikh** teaches said distributed systems management environment comprises a WebSphere Application Server. (See page 4, paragraph [0025] "...the application server 306 may be implemented with IBM WebSphere Application Server (WAS), such as Version 5.0 application server (WAS). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cool** and **White** that of

**Parikh** because they are all related to distributed systems management and by including WebSphere as disclosed in **Parikh**, the apparatus can also work with web page deployment. It is for this reason that one of ordinary skill in the art would have been motivated to include said distributed systems management environment comprises a WebSphere Application Server.

22. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Cool** in view of **White** as applied to claim 1 above, and further in view of **Teloh et al** (hereinafter **Teloh**, US 2003/0028521). **Cool** and **White** teach an apparatus substantially as claimed. **Cool** and **White** fail to teach said primary node and said plurality of secondary nodes comprise a plurality of data processing units. However **Teloh** teaches said primary node and said plurality of secondary nodes comprise a plurality of data processing units. (See page 2, paragraph [0016] "The parsed configuration information is then transmitted to the applications, which utilize the configuration information to perform data processing.") It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cool** and **White** with that of **Teloh** because they are all related to the field of distributed systems management and by including data processing units as disclosed in **Teloh**, the apparatus can store the configuration more efficiently. It is for this reason that one of ordinary skill in the art would have been motivated to include said primary node and said plurality of secondary nodes comprise a plurality of data processing units.

23. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Cool** in view of **White** as applied to claim 1 above, and further in view of **Frazer et al** (hereinafter **Frazer**, US 2005/0055595). **Cool** and **White** teach an apparatus substantially as claimed. **Cool** and **White** fail to teach said primary node and said plurality of secondary nodes comprise a cell. However **Frazer** teaches said primary node [24] and said plurality of secondary nodes [28] comprise a cell. (See page 4, paragraph [0036] "Network 20 includes at least one update station, which in this example is a radio base station 24, operable to transmit software updates across a bi-directional communication link...Subscriber stations 28 can be the customer premises equipment in a wireless local loop for voice and data, ...cellular phones, cable modems...capable of communicating through communication link 32." Because no specific definition of cell is provided in the specification, the examiner interprets a cell to represent a subscriber station as used here.) It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cool** and **White** with that of **Frazer** because all of the references relate to distributed systems, and in particular updating them, and by including the nodes comprising a cell, a more robust apparatus can be created by allowing wireless devices to be upgraded as well. It is for this reason that one of ordinary skill in the art would have been motivated to include said primary node and said plurality of secondary nodes comprise a cell.

24. Claims 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cool** in view of **White** as applied to claim 12 above, and further in view of **Greene**.

25. Regarding claim 13, **Cool** and **White** teach a method substantially as claimed.

**Cool** and **White** fail to teach said primary node comprises a master node [master copy], and said plurality of secondary nodes comprises a plurality of slave nodes [client].

However **Greene** teaches said primary node comprises a master node, and said plurality of secondary nodes comprises a plurality of slave nodes. (See page 40, paragraph [0352] "The optimistic concurrency approach in FIG. 25, on the other hand, depicts the client using a read/write copy that must stay in sync with a master copy in order for updates to be accepted." In **Greene**, the master node is where the master copy is located and each of the clients represents a slave node.) It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cool** and **White** with that of **Greene** because **Green** also deals with distributed systems and maintaining compatibility among them, and by including the master and slave concept of **Greene**, the hierarchy of data transfer among systems becomes better defined. It is for this reason that one of ordinary skill in the art would have been motivated to include said primary node comprises a master node [master copy], and said plurality of secondary nodes comprises a plurality of slave nodes [client].

26. Regarding claim 16, **Cool** and **White** teach a method substantially as claimed.

**Cool** and **White** do not explicitly teach the conveying step comprises a synching out operation. **Greene**, however, teaches the conveying step comprises a synching out operation [stay in sync]. (See page 40, paragraph [0352] "The optimistic concurrency

approach in FIG. 25, on the other hand, depicts the client using a read/write copy that must stay in sync with a master copy in order for updates to be accepted.”) It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cool** and **White** with that of **Greene** because **Greene** also deals with distributed systems and maintaining compatibility among them, and by including the syncing concept of **Greene**, the nodes can remain compatible or upgraded with the different versions automatically. It is for this reason that one of ordinary skill in the art would have been motivated to include the conveying step comprises a synch out operation.

27. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Cool** in view of **White** as applied to claim 12 above, and further in view of **Warrington** (US 2002/0093097). **Cool** and **White** teach a method substantially as claimed. **Cool** and **White** fail to teach said distributed systems management environment comprises a WebSphere environment. However **Warrington** teaches said distributed systems management environment comprises a WebSphere environment. (See page 1, paragraph [0003] “For example, web publishing software such as WEBSphere STUDIO™ from IBM Corporation...both produce visual development environments within which web page authors can design web pages using pre-built components.”) It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cool** and **White** with that of **Warrington** because **Warrington** is also a method of upgrading data versions, and by including the Websphere environment as disclosed in **Warrington**, web page files are specifically

included in the type of data that can be updated. It is for this reason that one of ordinary skill in the art would have been motivated to include said distributed systems management environment comprises a WebSphere environment.

28. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Cool** in view of **White** as applied to claim 12 above, and further in view of **Parikh**. **Cool** and **White** teach a method substantially as claimed. **Cool** and **White** fail to teach said first format comprises a WebSphere version 5.x format, and said second format comprises a WebSphere 6.x format. However **Parikh** teaches said first format comprises a WebSphere version 5.x format, and said second format comprises a WebSphere 6.x format. (See page 4, paragraph [0025] "...the application server 306 may be implemented with IBM WebSphere Application Server (WAS), such as Version 5.0 application server (WAS). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cool** and **White** that of **Parikh** because they are all related to distributed systems management and by including WebSphere as disclosed in **Parikh**, the apparatus can also work with web page deployment. It is for this reason that one of ordinary skill in the art would have been motivated to include said first format comprises a WebSphere version 5.x format, and said second format comprises a WebSphere 6.x format.

***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Das** (US 2004/0123091) teaches automated bulk configuration of network devices with the configuration files being in the XML format.

**Kampe** (US 6,618,805) teaches managing upgrades in a high availability computer system with partitioned boot storage to hold different versions of the application.




Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis L. Vautrot whose telephone number is 571-272-2184. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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11 September 2006

  
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